

REMARKS

Claims 1 through 20 remain in this Application.

Six replacement drawing sheets (inked and with all numbering formalized, no substantive changes having been made) are enclosed to replace the six sheets of drawings in this Application included when the Application was filed. Their entry into this application is respectfully solicited.

Independent claims 1, 9 and 15 have been amended to specify in different ways that the mesh are secured at both ends of the spacer and that the mesh has mesh openings of a size small enough to directly support a seed thereon at one side and mesh openings of a size small enough to be securely engaged by plant root growth therethrough at the other side.

The Examiner has Objected to claims 11 and 18 for errors therein as noted in the Office Action. The undersigned has checked the photo copy of the Application as it was sent to the U.S. Patent and Trademark Office when filed and no such errors are present. It is felt that these must be errors that occurred during data scanning at the patent office. Therefore, withdrawal of the objections is requested.

The Examiner has rejected the independent claims in this Application under 35 USC 102 as being anticipated by the teachings in the U.S. Patent to Farrell (No. 5,225,342) or, alternatively, by the teachings in the Japanese Patent No. 4-88928.

Initially, applicant traverses the rejection based on the Japanese Patent. The application of this reference depends solely on interpretation of the drawings therein and on the somewhat brief (and cryptic) translated abstract/constitution. From this it is clear only that each of the seed beds taught therein includes a frame and a lower seed bed, each of the beds being stackable one on top of the next. There is no teaching of suggestion therein of mesh at both ends of a seed bed frame 2. Thus it is felt that this reference does not anticipate the claims as originally presented.

In any case, the claims have now been amended, and as amended are clearly not anticipated by the teachings in the Japanese patent. The mesh is not secured on both open ends of the frame 2 as specified by the independent claims in this Application - i.e., the frames are merely stacked one on the next there being no clear teaching of securement of one frame to the next frame. Moreover, and there is no teaching or suggestion of the mesh sizes

selected for the purposes as now specified in each of the independent claims of this Application - i.e., each frame/seed bed structure taught in the Japanese patent is utilized only for plants contained therein and thus no separated seed support/root support functions are provided by the discrete structures.

Regarding the Farrell reference, Farrell teaches a plant interface at FIGURES 7A through 7C for receiving a root growth apparatus 306 at bottom retainers 230/240 situated below carousel 250 which is in turn below housing 260. Retaining bracket 265 and carousel 250 hold shoot retainers 330 in opening 268/252 therethrough, bracket 265 being smaller in diameter than the inner diameter of housing 260. The unit is held together by retainer ring 264 engaging lip 266 of housing 260 and threads 270 of unit 206. Bracket 265 is held up by the retainers 330 (otherwise it would fall to the carousel 250) and is thus not secured at the end of housing 260 (and particularly not secured thereat by cap 278).

As may be appreciated, to interpret the openings in bracket 265 and carousel 250 (the only units associated directly with housing 260) as "mesh" is felt to be an unfair reading of the patent and an improper interpretation of the meaning of that term as utilized in

this Application. These openings 268/252 are quite large (large enough to receive the units that actually perform the plant support functions) and are not small enough to directly support a seed (and/or are not utilized in that way in any case) or plant root growth. Moreover, the upper retainer 265 is not secured to the housing 260 at all (as shown in FIGURE 7C it is held by retainers 330 and restrained by cap 278), and is of a sized smaller in diameter than housing 260. Since these limitations have been or, as amended, are now specified in one or more of the independent claims, it is felt that the independent claims as now presented are not anticipated by (or obvious in view of, given the differences in utility and structure) the teachings in the patent to Farrell.

Claims 2 through 8, 10 through 14 and 16 through 20 are dependent (directly or indirectly) on one or the other of the independent claims and should be allowed when the independent claims are allowed.


Regarding the remainder of the Examiner's action, it felt that the teachings relied upon in several of the Examiner's 35 USC section 103 (obviousness) rejections are not supported. For example, the Examiner has rejected claim 4 as being obvious from the teachings in the Farrell patent in view of the teachings in the U.S.

patent to Barham (No. 4,057,930). The patent to Barham teaches use of a single seed support screen for seeding in a seed bed spaced from a water reservoir. There is no teaching or suggestion of plural screens held by a spacer. Since the patent to Farrell is not concerned with supporting seeds, and itself teaches no such use of plural mesh units, and since Barham does not fill that void in the teachings, it is not clear how the claim could be obvious from the combined teachings.

The period for response has been extended (for one month, from December 9, 2004 to January 9, 2005) by Petition for Extension of the Period for Response and fee (\$55.00 for a small entity) submitted herewith.

In view of the foregoing, it is felt that all of the claims in this Application are now allowable, and accordingly, allowance of these claims, followed by passage of this Application to issue, is respectfully solicited.

Respectfully Submitted,


Harold A. Burdick
Registration No. 32,725

HAB
Telephone: (303) 530-1355